

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1181 of 1997

Between:

1. A.L.Vittoba Rao

2. A.L.Sivaji Rao

(Both are sons of A.S.Lakshmana Rao, R/o. Guttur Vill, Penugonda Mandal
Ananthpur District)

..... PETITIONER

AND

- 1 The Mandal Revenue Officer,
Penugonda Mandal Ananthpur District.
- 2 The Revenue Divisional Officer,
Penugonda Mandal Ananthpur District.
- 3 The District Collector, Ananthpur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction mostly one which is in the nature of writ of mandamus declaring the notification under Section 4(1) published in the Telugu daily Newspaper Eenadu, dated

13-1-1996 vide notification Rc.No.4795/95/C, dated 6-1-96 and the draft declaration made under Sec.6 of the Land Acquisition Act as published in Telugu daily news paper Vaartha on

11-1-1997 as illegal, irregular, arbitrary, unjustified, contrary to the provisions of the

act and set aside the same holding that the land admeasuring Acs.5.00 in Sy.No.188/2b(1) of Guttur Village Penugonda Mandal, Ananthapur Dist shall not be acquired by the respondents.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following:

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ORDER:

This writ petition is filed seeking writ of Mandamus declaring the notification, under Section 4 (1) of the Land Acquisition Act (for short hereinafter referred to as 'the Act'), published in the Telugu daily newspaper Enadu, dated 13-01-1996 vide RC.No.4795/95/C, dated 06-01-1996 and

the draft declaration made under Section 6 of the Act as published in Telugu daily newspaper Vaartha on 11-01-1997 as illegal, irregular, arbitrary, unjustified, contrary to the provisions of the Act and unsustainable and set aside the same holding that the land admeasuring

Acs.5.00 in Survey No.188/2b(1) of Guntturvill Penugonda Mandal, Ananthapur District shall not be acquired by the respondents.

It is stated that the petitioners questioned the above said notification on several grounds in W.P.No.1338 of 1996 and this Court disposed of the Writ Petition at the admission stage on

31-01-1996 with a direction to the respondents to consider the objections filed by the petitioners. Consequent thereupon, objections were filed and the second respondent issued a notice, dated 29-01-1996, under Section 5 (A) of the Act, inviting objections on such acquisition and also intimating that the matter will be enquired on 19-02-1996 at Sub-Collector's Office, Penugonda. It is further stated that detailed objections in response to the said notice had been submitted and explained as to how petitioners' land shall not be acquired, but no written orders had been communicated. Hence, the writ petitioners had been under the *bona fide* impression that all further proceedings in pursuance of the notification had been dropped by the authorities. But, however, to the surprise of the writ petitioners, the respondents vide notification published in Telugu Daily Vaartha newspaper dated 11-01-1997 published the declaration under Section 6 of the Act. It was further stated that the land would be taken possession after issuance of notice under Section 9 (1) of the Act. It is also stated that the petitioners continue to be in possession even to this day. It is stated that the petitioners are small farmers and had also raised certain other grounds. It is specifically stated that the second respondent in whose favour the powers had been delegated cannot further delegate the powers of conducting enquiry to the first respondent-Mandal Revenue Officer. Several details had been narrated in this regard in para-6 of the affidavit filed in

support of the writ petition.

A counter affidavit, in detail, had been filed. Except vague denial, there is no denial relating to this aspect. Be that as it may, it is in serious controversy that the directions in W.P.No.1338 of 1996 to consider the objections by the competent authority, had not been complied with.

In view of the same, the writ petition is disposed of with a direction to the second respondent to consider the objections already filed by the petitioners in this regard and pass appropriate orders. Till then, status quo existing as on today be maintained. No order as to costs.

(P.S.NARAYANA, J)

Dated February 24, 2005.

YCR

To

1. The Mandal Revenue Officer,
Penugonda Mandal Ananthpur District.
2. The Revenue Divisional Officer,
Penugonda Mandal Ananthpur District.
3. The District Collector, Ananthpur District.
4. 2 CCs to G.P. for Land Acquisition, High Court Buildings,

Hyderabad. (OUT)

5. 2 C.D. copies.